

Bureau of Land Management, Interior

§ 2803.1-2

the applicant of the continuing deficiency and afford the applicant an opportunity to file a correction.

(d) Prior to issuing a right-of-way grant or temporary use permit, the authorized officer shall:

(1) Complete an environmental analysis in accordance with the National Environmental Policy Act of 1969;

(2) Determine compliance of the applicant's proposed plans with applicable Federal and State laws;

(3) Consult with all other Federal, State, and local agencies having an interest, as appropriate; and

(4) Take any other action necessary to fully evaluate and make a decision to approve or deny the application and prescribe suitable terms and conditions for the grant or permit.

(e) The authorized officer may hold public meetings on an application for a right-of-way grant or temporary use permit if he determines that such meetings are appropriate and that sufficient public interest exists to warrant the time and expense of such meetings. Notice of public meetings shall be published in the FEDERAL REGISTER or in local newspapers or in both.

(f) A right-of-way grant or temporary use permit need not conform to the applicant's proposal, but may contain such modifications, terms, stipulations or conditions, including changes in route or site location on public lands, as the authorized officer determines to be appropriate.

(g) No right-of-way grant or temporary use permit shall be in effect until the applicant has accepted, in writing, the terms and conditions of the grant or permit. Written acceptance shall constitute an agreement between the applicant and the United States that, in consideration of the right to use public lands, the applicant shall comply with all terms and conditions contained in the authorization and the provisions of applicable laws and regulations.

(h) The authorized officer may include in his/her decision to issue a grant a provision that shall be included in a right-of-way grant requiring that no construction on or use of the right-of-way shall occur until a detailed construction, operation, rehabilitation and environmental protection plan has

been submitted to and approved by the authorized officer. This requirement may be imposed for all or any part of the right-of-way.

[45 FR 44526, July 1, 1980, as amended at 47 FR 12570, Mar. 23, 1982; 52 FR 25808, July 8, 1987]

§ 2802.5 Special application procedures.

(a) An applicant filing for a right-of-way within 4 years from the effective date of this subpart for an unauthorized right-of-way that existed on public land prior to October 21, 1976, is not:

(1) Required to reimburse the United States for the processing, monitoring or other costs provided for in subpart 2808 of this title.

(2) Required to pay rental fees for the period of unauthorized land use.

(b) In order to facilitate management of the public lands, any person or State or local government which has constructed public highways under the authority of R. S. 2477 (43 U.S.C. 932, repealed October 21, 1976) may file a map showing the location of such public highways with the authorized officer. Maps filed under this paragraph shall be in sufficient detail to show the location of the R. S. 2477 highway(s) on public lands in relation to State or county highway(s) or road(s) in the vicinity. The submission of such maps showing the location of R. S. 2477 highway(s) on public lands shall not be conclusive evidence as to their existence. Similarly, a failure to show the location of R. S. 2477 highway(s) on any map shall not preclude a later finding as to their existence.

[45 FR 44526, July 1, 1980, as amended at 47 FR 12570, Mar. 23, 1982; 47 FR 38806, Sept. 2, 1982; 52 FR 25808, July 8, 1987]

Subpart 2803—Administration of Rights Granted

§ 2803.1 General requirements.

§ 2803.1-2 Rental.

(a) The holder of a right-of-way grant or temporary use permit shall pay annually, in advance, except as provided in paragraph (b) of this section, the fair market rental value as determined by the authorized officer applying sound